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Via ECF

Hon. Vera M. Scanlon, Chief U.S.M.J.  
United States District Court  
Eastern District of New York

**Re: Singh v. Topline NYC Contracting Inc., et al.**  
**Case no. 1:25-CV-00776**

Dear Chief Magistrate Judge Scanlon:

Back on April 8, 2025, defendants made a motion for leave to amend their answer and counterclaim *and* to subpoena banking records. (Doc. 16). Due to a redaction issue, the Clerk's Office mistakenly deleted the *entire* document. I re-filed the letter motion on June 2, 2025 (Doc. 27). Thus far, *no decision* has been issued on this motion.

I have avoided disturbing your Honor. However, on July 25<sup>th</sup>, plaintiff sent his *very* tardy response to defendants' timely notice of production. While plaintiff ignores the fact that by answering late he waived his right to object, *see*, Rule 34(b)(2)(A); *Cohalan v. Genie Industries, Inc.*, 276 F.R.D. 161 (S.D.N.Y. 2011); *Scott v. Arex, Inc.*, 124 F.R.D. 39 (D.Conn. 1989), the bank statements he supplied are incomplete and do not fully cover the time frame where plaintiff had access to defendants' bank account. Defendants would like to subpoena the *same* banking records mentioned in the original motion.

Further, as no decision was made on the motion for leave to amend, no reply to defendants' counterclaim has been filed. That is, pleadings are still not completed.

Accordingly, defendants respectfully request that this Court issue a decision on the above motion.

Thanks.

Very truly yours,

*Lila Ayers*

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cc: Emanuel Kataev, Esq.